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## GOVERNMENT OF THE DISTRICT OF COLUMBIA

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## ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION BOARD

IN THE MATTER OF:

A. B. R. A. AGENDA

Thursday, May 15, 2014

Suite 400S 2000 14TH STREET, N.W. Washington, D.C. 20009

The above-entitled matter convened at 2:40 p.m., before the District of Columbia Alcoholic Beverage Regulation Administration Board.
BEFORE:

RUTHANNE MILLER, Chairman NICK ALBERTI, Member DONALD BROOKS, Member HERMAN JONES, Member MIKE SILVERSTEIN, Member

HECTOR RODRIGUEZ, Member

JAMES SHORT, Member

	Page 2
1	PROCEEDINGS
2	[2:40 p.m.]
3	CHAIRPERSON MILLER: Okay. We're
4	going to do our legal agenda right now.
5	MEMBER SHORT: Pardon?
6	CHAIRPERSON MILLER: We're going
7	to do our legal agenda right now.
8	MEMBER SHORT: Okay.
9	CHAIRPERSON MILLER: And the first
10	item on our legal agenda is Motion to Amend
11	Board Order 2014-13 dated May 2, 2014 from
12	Emanuel Mpras, counsel for Pulse Nightclub at
13	2142 Queens Chapel Road, Northeast, License
14	Number 94074. This one is moot. We've already
15	signed the Order Amending the Board Order.
16	Okay. We're ready for you. Okay.
17	We're going to continue the agenda separately.
18	MS. JENKINS: Why don't you finish
19	the last three, just to complete that one.
20	CHAIRPERSON MILLER: All right.
21	We are going to continue with this agenda. We
22	won't be long, Mr. Gordy. Don't go away.

	Page 3
1	Second is Motion to Withdraw the
2	Motion to Impose Automatic Stay dated May 5,
3	2014 from Risa Hirao, counsel for Sheldon
4	Arpad. The establishment is NY NY Diva
5	located at 2406 18th Street Northwest, License
6	Number 92380. I move that we grant this
7	Motion. Do I have a second?
8	MEMBER SHORT: Second.
9	CHAIRPERSON MILLER: Mr. Short
10	seconds the motion. All those in favor, say,
11	aye.
12	MEMBERS: Aye.
13	CHAIRPERSON MILLER: All those
14	opposed?
15	MEMBERS: (No verbal response.)
16	CHAIRPERSON MILLER: All those
17	abstaining?
18	MEMBERS: (No verbal response.)
19	CHAIRPERSON MILLER: Motion passed
20	as 4-0-0.
21	Number 3 is an Applicant's Motion
22	to Reinstate Petition to Terminate dated May

	Page 4
1	5, 2014 from Richard Bianco, counsel for
2	Madam's Organ located at 2461 18th Street
3	Northwest, License Number 25273. I move that
4	we grant this Motion to Reinstate and that we
5	also, then, move the protest date to a later
6	time. Second?
7	MEMBER SILVERSTEIN: Second.
8	CHAIRPERSON MILLER: Mr.
9	Silverstein has seconded the Motion. All
10	those in favor, say, aye.
11	MEMBERS: Aye.
12	CHAIRPERSON MILLER: All those
13	opposed?
14	MEMBERS: (No verbal response.)
15	CHAIRPERSON MILLER: All those
16	abstaining?
17	MEMBERS: (No verbal response.)
18	CHAIRPERSON MILLER: I think the
19	Motion passes 4-0-0.
20	And Number 4 is a review of a
21	Settlement Agreement and Resolution dated
22	April 29, 2014 between ANC 4A and Atsede

	Page 5
1	Corporation. The establishment is Nile
2	Restaurant and Market located 7815 Georgia
3	Avenue Northwest, License Number 50151. I
4	move that we approve this Settlement Agreement
5	with modifications to Paragraph 6. Do I have
6	a second?
7	MEMBER BROOKS: Second.
8	CHAIRPERSON MILLER: Mr. Brooks
9	has seconded the Motion. All those in favor,
10	say, aye.
11	MEMBERS: Aye.
12	CHAIRPERSON MILLER: All those
13	opposed?
14	MEMBERS: (No verbal response.)
15	CHAIRPERSON MILLER: All those
16	abstaining?
17	MEMBERS: (No verbal response.)
18	CHAIRPERSON MILLER: Motion passes
19	4-0-0. So, that concludes our legal agenda
20	and we'll pick up the other agenda items later
21	this afternoon.
22	[Whereupon, at 2:43 p.m., the

Neal R. Gross and Co., Inc. 202-234-4433

Page 6 1 Board heard other matters.] CHAIRPERSON MILLER: Okay. 2 So, I 3 don't see a 3 o'clock here yet. So, we can do some more agenda items I think. We did our 4 legal agenda. I think we should pick up our 5 supplemental legal agenda and keep the 6 separate bodies separate. Okay? So, I'm 7 8 going to go to legal agenda. Everybody ready? 9 MEMBER SHORT: Ready. 10 CHAIRPERSON MILLER: Okay. Good. 11 Numbers 1, 2 and 3 are all related to New Town Kitchen and Lounge located at 1336 U Street 12 13 Northwest, License Number 93095. Number 1 is 14 a request for reinstatement of renewal application dated May 5, 2014 from Howsoon 15 16 Cham of Cham Restaurant Group. 17 Basically, he's making his request based on lack of notice because he had a 18 change in his email address. This request is 19 20 being opposed in Number 2 by Joan Sterling, 21 President of the Shaw-Dupont Citizens Alliance, Inc. and, in Number 3, by William G. 22

	Page 7
1	Isasi, representative of a group of five or
2	more.
3	I would move that we deny the
4	request, that there's evidence that Mr. Cham
5	actually did have notice otherwise. Do I have
6	a second?
7	MEMBER SILVERSTEIN: Second.
8	CHAIRPERSON MILLER: Mr.
9	Silverstein has seconded the Motion. Any
10	comments or questions? Okay. All of those in
11	favor of the Motion to Deny the Request that's
12	been seconded, say, aye.
13	MEMBERS: Aye.
14	CHAIRPERSON MILLER: Opposed?
15	MEMBERS: (No verbal response.)
16	CHAIRPERSON MILLER: Abstaining?
17	MEMBERS: (No verbal response.)
18	CHAIRPERSON MILLER: Motion passes
19	6-0-0.
20	Number 4 and 5 are related to
21	Pulse Nightclub located at 2142 Queens Chapel
22	Road Northeast, License Number 94074. The

first one is an opposition to Motion to

Reinstate Protest dated May 12, 2014 from

Emanuel Mpras, counsel for Pulse Nightclub.

I'm sorry. Number 4 is the

Protestant's Motion to Reinstate ANC by Carla

Butler. Number 5 was opposition. And we

ruled on that Motion at the hearing yesterday,

on the Protest, and we granted ANC's

reinstatement then.

MEMBER RODRIGUEZ: Just Number 4?

CHAIRPERSON MILLER: Number 4 and,
so, that's already been voted on and that's
already been granted. So, I don't think we
need to vote again, unless somebody else would
like us to. Okay.

And, Number 5 is the opposition to that. So, that's with respect to a Motion that's been argued, ruled and granted.

Okay. Number 6 is also related to Pulse Nightclub. It's a request by Emanuel Mpras with respect to the selection of the geographical area. And that was opposed at

	Page 9
1	Number 7 by Karla Butler of ANC 5C and group
2	of five or more. And we also dealt with that
3	request at the hearing yesterday and we denied
4	Mr. Mpras's request for his designation.
5	Number 8 is a Request for
6	Reinstatement of Protest from Chairperson
7	Barbara Clark of ANC 8A. This is related to
8	Good Hope Deli and Market located at 1736 Good
9	Hope Road Southeast. Number 8 is the Request
10	for Reinstatement. I would move that we deny
11	that request.
12	MEMBER SHORT: Second.
13	CHAIRPERSON MILLER: Mr. Short has
14	seconded that. Any comments? All right. All
15	those in favor then of the Motion to Deny,
16	say, aye.
17	MEMBERS: Aye.
18	CHAIRPERSON MILLER: All those
19	opposed?
20	MEMBERS: (No verbal response.)
21	CHAIRPERSON MILLER: All those
22	abstaining?

Page 10 1 MEMBERS: (No verbal response.) CHAIRPERSON MILLER: Motion passed 2 as 6-0-0. And our previous order addresses 3 the reasons, which are the same for this vote. 4 Number 9 is Motion Opposing 5 Applicant's Motion to Reinstate Renewal 6 Application dated May 6, 2014 from Chairman 7 Billy Simpson of ANC 1C. This is related to 8 Madam's Organ Establishment located at 2641 9 10 18th Street Northwest, License Number 25273. 11 This is related to Number 3 on the legal agenda where we granted Applicant's 12 13 Motion for Reinstatement. So, this one is 14 moot and no action is required. Number 10 is a Request for 15 Okav. Reconsideration of the Board's Decision to Re-16 17 placard dated May 12, 2014 from Andrew Kline, counsel for Good Essen-U Street, LLC. 18 establishment is Tico located at 1926 14th 19 20 Street Northwest, License Number 93610. 21 I move that we grant this 22 application, I mean this request.

Page 11

1 MEMBER SILVERSTEIN: I

2 emphatically second.

CHAIRPERSON MILLER: Okay. Mr. Silverstein has seconded the Motion. I just want to see. Okay. And I move that we grant this based on 25-423E that sufficient notices has been granted.

MEMBER SILVERSTEIN: Madam Chair,

I would ask that you read the language there.

It is quite clear and specific justifying our

actions.

CHAIRPERSON MILLER: Okay. I'd be happy to. If the Board determines that the notices posted in applicant's establishment have not remained visible to the public for a full 45 days, the Board shall require the reposting of the notices and shall reschedule the administrative review for a date at least 45 days after the originally-scheduled review, unless the applicant has fully performed all other notice requirements and the Board determines that it is in the best interests of

Page 12 1 the parties to proceed at an earlier date. So, I think our reasoning is based 2 on the fact that they performed all of the 3 notice requirements and it's in the best 4 interests, at this point. 5 MEMBER SILVERSTEIN: Madam Chair, 6 it certainly is. The applicant and the 7 protestors in this case went through the 8 9 entire process. There was, in fact, a 10 settlement agreement reached. There is 11 absolutely no legal basis for requiring that they go back to Point A having reached 12 13 Point B. 14 CHAIRPERSON MILLER: I agree and that's also was other notice made such as to 15 16 the ANC and the D.C. Register. Okay. 17 other comments? All right. Then, there is a 18 Motion pending to grant the request. All those in favor say, aye. 19 20 MEMBERS: Aye. 21 CHAIRPERSON MILLER: All those 22 opposed?

	Page 13
1	MEMBERS: (No verbal response.)
2	CHAIRPERSON MILLER: All those
3	abstaining?
4	MEMBERS: (No verbal response.)
5	CHAIRPERSON MILLER: Motion passes
6	6-0-0.
7	Okay. Number 11 is a Consent
8	Motion for Continuance dated May 12, 2014 from
9	Paul Pascal, counsel for applicant. It's
10	related to Terminal Alley located at 3701
11	Benning Road Northeast, License Number 93986.
12	I move that we approve this Consent Motion.
13	Do I have a second?
14	MEMBER RODRIGUEZ: Second.
15	CHAIRPERSON MILLER: Mr. Rodriguez
16	has seconded the Motion. All those in favor
17	say, aye.
18	MEMBERS: Aye.
19	CHAIRPERSON MILLER: All those
20	opposed?
21	MEMBERS: (No verbal response.)
22	CHAIRPERSON MILLER: All those

	Page 14
1	abstaining?
2	MEMBER SHORT: I'm abstaining.
3	CHAIRPERSON MILLER: You're
4	abstaining. Okay. So, then the vote is 6-0-1
5	with Board Member Short abstaining. Okay. 5-
6	0-1, excuse me.
7	Number 12 and 13, I move that we
8	postpone these two items until next week. Do
9	I have a second?
10	MEMBER SILVERSTEIN: Second.
11	CHAIRPERSON MILLER: Okay. Mr.
12	Silverstein has seconded the Motion. All
13	those in favor say, aye.
14	MEMBERS: Aye.
15	CHAIRPERSON MILLER: All those
16	opposed?
17	MEMBERS: (No verbal response.)
18	CHAIRPERSON MILLER: All those
19	abstaining?
20	MEMBERS: (No verbal response.)
21	CHAIRPERSON MILLER: Motion passes
22	6-0-0.

	Page 15
1	Okay. So, we can move into our
2	licensing agendas, as no one has appeared yet
3	for our 3 o'clock hearing. Okay. Licensing
4	Agenda, Number 1 is a letter from Attorney/
5	Agent requesting change in approved Summer
6	Garden endorsement to a sidewalk café
7	endorsement. And this is for Odeon Café,
8	located at 1714 Connecticut Avenue Northwest,
9	License Number 005811.
10	I believe that they got approval
11	for Summer Garden but, in fact, it should
12	really be a sidewalk café but it's the same
13	area. So, I move that we approve this
14	request.
15	MEMBER SILVERSTEIN: Second.
16	CHAIRPERSON MILLER: Mr.
17	Silverstein has seconded the Motion. Comments
18	or questions? All those in favor say, aye.
19	MEMBERS: Aye.
20	CHAIRPERSON MILLER: All those
21	opposed?
22	MEMBERS: (No verbal response.)

	Page 16
1	CHAIRPERSON MILLER: All those
2	abstaining?
3	MEMBERS: (No verbal response.)
4	CHAIRPERSON MILLER: Motion passes
5	6-0-0.
6	Number 2 is an application for
7	change of hours for M&M Market located at 3544
8	East Capitol Street Northeast and its proposed
9	hours of operation would be 24 hours. I move
10	that we placard this application request. Do
11	I have a second?
12	MEMBER SILVERSTEIN: Second.
13	CHAIRPERSON MILLER: Mr.
14	Silverstein seconded the Motion. All those in
15	favor say, aye.
16	MEMBERS: Aye.
17	CHAIRPERSON MILLER: All those
18	opposed?
19	MEMBERS: (No verbal response.)
20	CHAIRPERSON MILLER: All those
21	abstaining?
22	MEMBERS: (No verbal response.)

	Page 17
1	CHAIRPERSON MILLER: Motion passes
2	6-0-0.
3	Number 3 is an application for
4	sidewalk care endorsement for 44 seats for The
5	River Inn/Dish located at 924 25th Street
6	Northwest, License Number 001782. I move that
7	we placard this application.
8	MEMBER SILVERSTEIN: Second.
9	CHAIRPERSON MILLER: Mr.
10	Silverstein seconded the Motion.
11	CHAIRPERSON MILLER: All those in
12	favor say, aye.
13	MEMBERS: Aye.
14	CHAIRPERSON MILLER: All those
15	opposed?
16	MEMBERS: (No verbal response.)
17	CHAIRPERSON MILLER: All those
18	abstaining?
19	MEMBERS: (No verbal response.)
20	CHAIRPERSON MILLER: Motion passes
21	6-0-0.
22	Number 4 is a Motion to Rescind

	Page 18
1	the Cancellation of a License from Attorney
2	Andrew J. Kline representing Halifax. This is
3	related to Café Japone located at 2032 P
4	Street Northwest. I move that we refer this
_	
5	to legal.
6	MEMBER SILVERSTEIN: Second.
7	CHAIRPERSON MILLER: Mr.
8	Silverstein has seconded the Motion. All
9	those in favor say, aye.
10	MEMBER: Aye.
11	CHAIRPERSON MILLER: All those
12	opposed?
13	MEMBERS: (No verbal response.)
14	CHAIRPERSON MILLER: All those
15	abstaining?
16	MEMBERS: (No verbal response.)
17	CHAIRPERSON MILLER: Motion passes
18	6-0-0.
19	Number 5 is a letter from Attorney
20	Phillip C. Dales on behalf of wholesaler
21	Federick P. Winner, Ltd. trading as Foreign
22	Import Brands Company located at 3125/3145 D

	Page 19
1	Street Northeast, Suite Number 2, License
2	Number 086499. I move that we refer this to
3	legal, as well.
4	MEMBER RODRIGUEZ: Second.
5	CHAIRPERSON MILLER: And Mr.
6	Rodriguez has seconded the Motion. All those
7	in favor say, aye.
8	MEMBER: Aye.
9	CHAIRPERSON MILLER: All those
10	opposed?
11	MEMBERS: (No verbal response.)
12	CHAIRPERSON MILLER: All those
13	abstaining?
14	MEMBERS: (No verbal response.)
15	CHAIRPERSON MILLER: Motion passes
16	6-0-0.
17	Number 6 on the Licensing Agenda
18	is a letter from licensee requesting a refund
19	of late fees. It's for Dove House Liquors
20	located at 1905 9th Street, License Number
21	089439. Okay. He claimed he didn't receive
22	notice. Okay. I would move that we deny the

I move that we approve this for

094098.

22

1	
	Page 21
1	placarding.
2	MEMBER SHORT: Second.
3	CHAIRPERSON MILLER: Mr. Short has
4	seconded the Motion. All those in favor say,
5	aye.
6	MEMBERS: Aye.
7	CHAIRPERSON MILLER: All those
8	opposed?
9	MEMBERS: (No verbal response.)
10	CHAIRPERSON MILLER: All those
11	abstaining?
12	MEMBERS: (No verbal response.)
13	CHAIRPERSON MILLER: Motion passes
14	6-0-0.
15	[Whereupon, at 3:17 p.m., the
16	proceeding went off the record.]
17	
18	
19	
20	
21	
22	

Neal R. Gross and Co., Inc. 202-234-4433

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